

U.S. Department of Transportation

Research and Special Programs Administration

OCT 14 2004

400 Seventh St., S.W. Washington, D.C. 20590

Ref No. 04-0191

Captain Bruce Bugg
Special Projects Coordinator
Georgia Department of Motor Vehicle Safety
Law Enforcement Division

2206 East View Parkway Conyers, GA 30013-8047

Dear Captain Bugg:

This is in response to your August 31, 2004 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to prohibited and permissive placarding. Specifically, you ask whether the company logo as shown in the photograph you supplied is prohibited under the HMR.

As provided in § 172.502(a), no person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car any sign, advertisement, slogan, or device, that, by its color, design, shape or content, could be confused with any placard prescribed in this subpart. This prohibition is intended to limit the potential dilution of hazard warning communication provided by the appropriate hazardous materials placards. The logo as shown in the photograph is designed in the same "shape" (a square-on-point configuration) as that of hazard warning placards, can be confused with a placard prescribed in the HMR, and, therefore, is prohibited under § 172.502.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely

John A. Gale

Chief, Standards Development

Office of Hazardous Materials Standards

040191

172.502(a)(2)

Pollack, Arthur (B-A-H)

172.502(a)(2) Placarding 04-0191

From:

Bruce Bugg [obbugg@dmvs.ga.gov] Friday, August 27, 2004 12:59 PM

Sent: To:

INFOCNTR <RSPA>

Subject:

Clarification re 172.502 Benton - Georgia Inc.















KB) (94 KB)

trk95plackard.jpg IM000047.JPG (60 Placard Doc..doc 000101.pdf (95 KB) 020211.pdf (163 (362 KB)

020230.pdf (103 07387.pdf (112 KB) KB)



07617.pdf (66 KB)

Mr. Ed Mazzullo Office of Hazardous Materials Standards US DOT / RSPA 400 Seventh Street, SW Washington, DC 20590-0001

Dear Sir:

This e-mail requests a written clarification of the attached logo as it relates to 49 CFR §172.502(a)(2). One of our officers feels that the logo in question sufficiently resembled an "explosives" placard or label, and therefore wrote the carrier for a violation. The carrier contacted me, and in my official capacity here, as well as Chair of the CVSA HazMat Committee, I replied that I felt the officer was correct.

However, due to the several conflicting letters of clarification issued in similar matters over the years (see the attached *.pdf documents), we must ask US DOT to make the call.

Attached are photographs of the vehicle operated by Benton-Georgia Inc. The logo in question measures approximately 5-5/8" square.

Capt. Bruce Bugg Special Projects Coordinator Law Enforcement Division Georgia Department of Motor Vehicle Safety P.O. Box 80447 Conyers, GA 30013-8047

Phone: 678.413.8825 678.413.8832

e-mail: obbugg@dmvs.ga.gov

"Making the simple complicated is commonplace; making the complicated simple, awesomely simple, that's creativity." -- Charles Mingus (Musician, 1922-1979)

----Original Message----

From: Greene, Doug [mailto:dgreene@benton-georgia.com]

Sent: Wednesday, August 25, 2004 16:25

To: Bruce Bugg

Subject: FW: Benton -Georgia Inc. Placard Doc..doc

Captain Bugg,

Attached is picture of the truck # 95 that was stopped, a copy of the Inspection and also a Picture of our newest emblem that we have used last 5 years. We have used these emblems for 18 years and this is the first time it has ever been questioned. Benton-Georgia is pipeline utility and cable contracting company with 165 truck with the pictured emblems on them you help and opinion on this matter will be appreciated.

Thanks

Doug Greene
VP training & safety
Benton-Georgia Inc
770-942-8180 ext 120
Cell 678-618-4695
<<Placerd Doc..doc>>